

REMARKS

Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of claim 1 over Weber (US 5,574,315).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a prior art reference. See M.P.E.P. § 2131. As recited in the present claims, e.g. amended independent claim 1, a time measuring means in the opening/closing controlling apparatus measures a time after detection of a collision of the vehicle, and opening/closing controlling means prohibit automatic opening/closing of the opening/closing object from the time of collision and permit automatic opening/closing by the automatic opening/closing means after passage of a predetermined first time since the collision and then make the automatic opening/closing means perform an opening operation of the opening/closing object after passage of a second time since the collision, wherein the second time is longer than the first time. In contrast, a timing device used in an egression control apparatus in Weber is used to determine a time after a key has been taken out of a vehicle ignition in order to turn off an egression control apparatus. Col. 6, lines 30-52. The egression control apparatus in Weber further is designed to immediately unlock the doors at a time of collision (Col. 2, lines 64-67) instead of prohibiting the automatic opening/closing means of the opening/closing object from the time of collision, and permitting automatic opening/closing by the automatic opening/closing means after passage of a first time since the collision, and then opening the doors after passage of a second time since the collision, the second time being longer than the first time. Weber, therefore, does not

disclose each and every element as set forth in amended independent claim 1, and does not anticipate claim 1 under § 102(b).

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 2-5 and 8-11 over Weber in view of Aiyama (US Publication 2004/0124027) and the 35 U.S.C. § 103(a) rejection of claims 6 and 7 over Weber in view of Aiyama, and further in view of Tsai (US 5,469,138). To establish a prima facie case of obviousness, the Examiner must show some teaching, suggestion, or motivation in the prior art that would lead a person of ordinary skill to modify or combine the teachings of prior art references. See MPEP § 2143(G). The Examiner must show that each limitation of the claimed invention is within the prior art or knowledge of person of ordinary skill in the art. See Ex parte Wada, App. No. 2007-3733 at 7 (B.P.A.I. Jan. 14, 2008). As discussed above, Weber does not disclose or suggest all of the features recited in amended independent claim 1. In fact, Weber teaches away from claim 1, by disclosing immediately unlocking the doors at a time of collision, in contrast to the claimed preventing opening/closing from the collision. Neither Aiyama nor Tsai disclose these elements, or the other elements of claim 1, discussed above, missing from Weber. The combination of Weber and Aiyama, therefore, does not disclose or suggest all of the features of amended dependent claims 2-5 and 8-11, and the combination of Weber, Aiyama, and Tsai does not disclose or suggest all of the features of amended dependent claims 6 and 7. Consequently, neither combination of references establishes a prima facie case of obviousness.

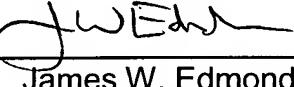
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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